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August 19, 2019

VIA ECF AND VIA ELECTRONIC MAIL

Honorable Stuart M. Bernstein
United States Bankruptcy Court
Southern District of New York
One Bowling Green, Room 723
New York, New York 10004-1408
bernstein.chambers@usb.uscourts.gov

*Re: Picard v. Alvin Gindel Revocable Trust, et al, Adv. Pro. No. 10-04925 (SMB);
Picard v. Rose Gindel Revocable Trust, et al., Adv. Pro. No. 10-04401 (SMB);
Picard v. Harold J. Hein Revocable Trust, Adv. Pro. No. 10-04861 (SMB);
Picard v. James Greiff, Adv. Pro. No. 10-04357 (SMB)*

Dear Judge Bernstein,

We are counsel to Irving H. Picard, as trustee (“Trustee”) for the substantively consolidated SIPA liquidation of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa *et seq.* and the estate of Bernard L. Madoff.

We write to request a status conference to discuss delays in the defendants’ participation in mediation as required by the Litigation Case Management Procedures for Avoidance Actions [ECF No. 3141] (“Avoidance Procedures”). Each of the cases has been referred to mediation as required by the Avoidance Procedures. In March, defense counsel requested that mediation be postponed because Hardship Applications would be submitted by the defendants in the Rose Gindel and Alvin Gindel cases. In June, defense counsel said Hardship Applications would also be submitted in the Greiff and Hein cases. Despite several follow-up requests by counsel for the Trustee, however, no Hardship Applications have been received and defendants’ counsel has not participated in the mediation process as required by the Avoidance Procedures.

While the Trustee will consider any extenuating circumstances during mediation, the continued delay has prolonged the process set out in the Avoidance Procedures. We request

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that your Honor set a Status Conference on August 28, 2019 to establish a schedule for mediating these Adversary Proceedings in compliance with the Avoidance Procedures.

Respectfully submitted,

/s/ Dean D. Hunt

Dean D. Hunt
Partner

cc: Carole Neville via Electronic Mail
Arthur Ruegger via Electronic Mail